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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/002,645	10/31/2001	Jayanta Tewari	021556.0131	2370
31625	7590	04/07/2005	EXAMINER	
BAKER BOTTS L.L.P. PATENT DEPARTMENT 98 SAN JACINTO BLVD., SUITE 1500 AUSTIN, TX 78701-4039			DIVECHA, KAMAL B	
			ART UNIT	PAPER NUMBER
			2151	

DATE MAILED: 04/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/002,645

Applicant(s)

TEWARI, JAYANTA

Examiner

KAMAL B. DIVECHA

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 October 2001 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claims 1-20 are presented for examination.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show “every feature” of the invention specified in the claims. Therefore, the limitations disclosed in claim 5 and 7 must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as “amended.” If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either “Replacement Sheet” or “New Sheet” pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Claim Rejections - 35 USC § 112

1. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

2. Claims 1, 5, 7, 13, 15, and 18 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 1 recites the limitation “the functionality”, “the least one network device” and “the communication port” in line 11, 13 and 8-9. There is insufficient antecedent basis for this limitation in the claim.

Claim 5 recites the limitation “inter-device transmission data and inter-device negotiation data” in line 4-6. There is insufficient antecedent basis for this limitation in the specification.

Claim 7 recites the limitation “receive bandwidth negotiation data”, “bandwidth negotiation recommendation” and “submit a revised bandwidth recommendation” in line 17-18 and 22. There is insufficient antecedent basis for this limitation in the specification.

Claim 13 recites the limitation “the functionality”, “the least one network device”, and “the communication port” in line 6-8 and 3. There is insufficient antecedent basis for this limitation in the claim.

Claim 15 is rejected for the same reasons as set forth in claim 7.

Claim 18 recites the limitation “the network communication port” and “the associated network”, and “the network device” in line 5, 6 and 7. There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1, 4, 12 and 13-14 are rejected under 35 U.S.C. 102(e) as being anticipated by Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1).

As per claim 1, Sato explicitly discloses a system for communicating information (fig. 3) comprising: a plurality of network devices, each network device connected with at least one other network device (fig. 3 and fig. 14) through the at least one network communication port (this feature of network communication port is deemed to be inherent because without the communication port, it would not be possible to conduct data communications); an advanced manager operably coupled to the communication port of at least one network device (fig. 3 item #302 and fig. 14 item #1207), the advanced manager operable to: determine the functionality of the at least one network device via the communication port (col. 2 L6-17; col. 2L43-55; col. 5L53-55; col. 1 L58-61; fig. 10 item #808a associated with EAM module); and manage the at least one network device based upon the determined functionality (col. 2L20-31; col. 2L53-63; col. 5 L49-56; fig. 1 item #100 and col. 6 L27-47).

As per claim 4, Sato discloses the system as in claim 1 further comprising the plurality of devices interconnected within a network operable to facilitate video conferencing (fig. 13 item #104a associated with item #1105 and item #1101).

As per claim 12, Sato discloses the system as in claim 1 further comprising the advanced manager operable to receive selected inter-device communications (col. 7 L23-32 and fig. 7).

As per claim 13, it does not teach or further define over the limitations in claim 1, 4 and 12. Therefore, claim 13 is rejected for the same reasons as set forth in claims 1, 4 and 12.

As per claim 14, Sato discloses the advanced manager further comprising: a device identification module operable to determine the functionality of a connected network device (col. 5 L47-55; col. 8 L17-29); a management engine operable to receive device identification and network management information (col. 5 L56-67 to col. 6 L1-3; col. 8 L30-34); a policy database containing a plurality of management policies decisions (fig. 1 ref. Character DB and col. 6 L27-46); and management engine operable to submit network management instructions to an associated network device (col. 7 L42-45; col. 2 L39-43).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 3 and 16 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1) in view of Koo (U. S. Pub. No. 2001/0032270 A1).

As per claim 3, Sato does not explicitly disclose the network communication port being of type 1718 type port. Koo explicitly teaches using the network communication port of type 1718 (pg. 1 table 1). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to incorporate the teaching of Koo as stated above with the system of Sato to use the UDP discovery port of type 1718. One of ordinary skill in the art

would have been motivated because it would have enabled the registration, authentication and RAS (registration admission status) management by transmitting request/response messages through the network communication port of type 1718 associated with the network device (Koo, pg. 1 para. 0006, 0011).

As per claim 16, it does not teach or further define over the limitations in claims 3 and 13. Therefore, claim 16 is rejected for the same reasons as set forth in claim 3 and 13.

7. Claims 2, 5 and 6 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1) and in view of Riggan et al. (hereinafter, Reggan, U. S. Patent No. 6,490,252 B1).

As per claim 2, Sato discloses the advanced manager operably coupled to the network communication port of plurality of network devices (fig. 14 item #1207), however, Sato does not explicitly disclose the device identification module operable to determine the functionality of each of the plurality of network devices through transmissions through the network communication port. Riggan, from the same field of endeavor, discloses a controller operable to monitor the source (read as network device) and identifies the type of traffic received and classifies according to adaptation layer type (see applicants disclosure, pg. 10 L26-30 to pg. 11 L1-6; Riggan, col. 2 L9-15; col. 4 L45-51; L61-67; col. 5 L32-42). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Riggan to identify or determine functionality of each plurality of network devices through the transmissions (read as type of network traffic transmitted) through the network communication port. One of ordinary skilled in the art would have been motivated because it would have provided reliable services and ensured the integrity of information transport.

As per claim 5, Sato discloses the advanced manager having a management engine and a policy database (fig. 1), however, Sato does not explicitly disclose the process of receiving inter-device transmission data and inter-device negotiation data from at least one network device and compare the received data with the policy database; and direct the at least one network device according to the policy database. Riggan, from the same field of endeavor, discloses a control CPU (read as a management engine) receiving usage information data (read as inter-device data and negotiation data) from the network management system (read as network device) and compare the received data with the policy database (col. 8 L39-46 and col. 9 L44-52); and directing the at least one network device (read as traffic associated with network device) according to the policy database (col. 9 L50-65). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Riggan as stated above with the system of Sato in order to receive data, compare the received data with policy database and direct the network device or traffic according to the policy database. One of ordinary skilled in the art would have been motivated because it would have provided a reliable data transmissions as well as an acceptable level of delay for voice and video traffic.

As per claim 6, Sato discloses the database operable to be selectively updated (col. 7 L380-54).

8. Claims 7 and 15 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1) and in view of Riggan et al. (hereinafter, Reggan, U. S. Patent No. 6,490,252 B1), and further in view of Buhrke et al. (U. S. Patent No. 5,231,631).

As per claim 7, Sato in view of Riggan does not disclose the process of receiving bandwidth negotiation data and a bandwidth negotiation recommendation (read as receiving bandwidth request with requested bandwidth) from at least one network device; comparing the bandwidth negotiation data and bandwidth negotiation recommendation with the policy database; and submit a revised bandwidth recommendation based on the policy database.

Buhrke discloses the process of receiving a bandwidth request from a network device (fig. 8 item #802); comparing the bandwidth requested and available bandwidth (col. 4 L32-42 and col. 6 L47-53); and submit a revised bandwidth recommendation based on the policy database (fig. 8 step #808, 810, 816). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Buhrke as stated above with the method and system of Sato in view of Riggan in order to negotiate and allocate the available bandwidth.

One of ordinary skilled in the art would have been motivated because it would have avoided network congestion and would have further provided a reliable data transfer from one point to another on a network.

As per claim 15, it does not teach or further define over the limitations in claim 7. Therefore, claim 15 is rejected for the same reasons as set forth in claim 7.

9. Claims 8-10 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1) and in view "Official Notice".

As per claim 8, Official Notice is taken to show that the advanced manager operable to determine a network device to be a Multipoint Control Unit device is well known and obvious in the art. Therefore, it would have been obvious to a person of ordinary skilled in the art at the

time the invention was made to determine or identify the network device to be Multipoint Control Unit device. One of ordinary skilled in the art would have been motivated because it would have provided end-to-end connectivity, hence enabling communications of video, audio and data streams between any two end connecting stations.

As per claim 9, Official Notice is taken to show that the advanced manager operable to determine a network device to be a Gatekeeper device is well known and obvious in the art. Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to determine or identify the network device to be a Gatekeeper device. One of ordinary skilled in the art would have been motivated because it would have provided registration, authentication, and RAS (registration Admission Status) management, hence facilitating reliable services.

As per claim 10, Official Notice is taken to show that the advanced manager operable to determine a network device to be an End Point device is well known and obvious in the art. Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to determine or identify the network device to be End point device. One of ordinary skilled in the art would have been motivated so that the services such as audio, video and data streams would have been provided to end stations.

10. Claims 11 and 17 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter, Sato, U. S. Patent No. 6,400,689 B1) and in view of Riggan et al. (hereinafter, Reggan, U. S. Patent No. 6,490,252 B1) and further in view of Grandcolas et al. (U. S. Patent No. 5,867,153).

As per claim 11, Sato in view of Riggan discloses the process of classifying the device according to the traffic type (Riggan, col. 1 L58-61), however, Sato in view of Riggan does not teach the process of determining the software applications running on each plurality of network devices. Grandcolas discloses the process of determining and identifying software applications running in each device (col. 11 L57-58 and col. 12 L15-20). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Riggan to classify device function based upon the determined software applications. One of ordinary skilled in the art would have been motivated because it would have enabled the reliable data transfer by choosing an appropriate network and path to route the specific type of traffic.

As per claim 17, it does teach or further define over the limitations in claim 11. Therefore, claim 17 is rejected for the same reasons as set forth in claim 11.

11. Claims 18 and 20 are rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter Sato, U. S. Patent No. 6,400,689 B1) in view of Shaffer et al. (hereinafter Shaffer, U. S. Patent No. 6,249,814 B1).

As per claim 18, Sato discloses a method for managing network devices (col. 2 L4-27) comprising: providing an advanced manager (fig. 3 item #302 and fig. 1), however, Sato does not show identifying and associated network device by connecting with the network communication port of the associated network; and managing the network device based on the identification of the network device.

Shaffer, from the same field of endeavor, explicitly discloses the process of identifying and associated network device by connecting with the network communication port of the associated network (col. 2L24-35, L59-62; col. 1L53-59); and managing the network device

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based on the identification of the network device (col. 2 L33-38; col. 3 L43-50; col. 5 L57-67 to col. 6 L1-4; col. 1 L9-11). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to incorporate the teaching of Shaffer as stated above with the system and method of Sato in order to identify and manage the network element or devices.

One of ordinary skilled in the art would have been motivated because identifying and managing network devices would have enabled communications among the devices (Shaffer col. 1 L9-11).

As per claim 20, Sato discloses the process of receiving network management data (col. 7 L23-37); consulting an associated policy database (col. 7 L38-42); and submitting management instructions based on the associated policy database (col. 7 L42-45).

12. Claim 19 is rejected under 35 U.S.C. 103(a) as being obvious over Sato et al. (hereinafter Sato, U. S. Patent No. 6,400,689 B1) in view of Shaffer et al. (hereinafter Shaffer, U. S. Patent No. 6,249,814 B1) and further in view of Grandcolas et al. (U. S. Patent No. 5,867,153).

As per claim 19, Sato in view of Riggan does not disclose the process of identifying software running on the associated network device and identifying the associated network device based upon the identified software. Grandcolas discloses the process including the step of identifying software running on the associated network device (col. 11 L57-58) and identifying the associated network device (col. 12 L15-20). Therefore, it would have been obvious to a person of ordinary skilled in the art at the time the invention was made to modify Grandcolas to identify the associated network device based upon the identified software. One of ordinary

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skilled in the art would have been motivated because it would have enabled the presentation of data in a format compatible with the device (Grandcolas, col. 2 L35-49).

Additional References

13. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. McCormack et al., U. S. Patent no. 6,360,255 B1.
- b. Roy, U. S. Patent no. 6,081,513.
- c. Madison, Jr. et al., U. S. Patent no. 5,887,139.
- d. Shimade et al., U. S. Patent no. 6,359,903 B1.
- e. Marshall U. S. Patent no. 5,600,797.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on 9.00am-5.30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



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